

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOE HAND PROMOTIONS INC.,

Plaintiff,

v.

Case No. 15-C-274

MR. TACO GRILL & CANTINA LLC and
ALEJANDRO MORALES

Defendant.

ORDER GRANTING DEFAULT JUDGMENT

The Plaintiff has filed a motion seeking a default judgment against the Defendants for violations of 47 U.S.C. § 605 stemming from the unauthorized showing of a pay-per-view fight. The motion seeks a judgment of some \$111,722.00.

According to the complaint, Plaintiff obtained the right to distribute an Ultimate Fighting Championship match held on September 22, 2012. Plaintiff alleges that the Defendant either used an illegal satellite receiver, misrepresented his business as a residence, or removed an authorized receiver from another location. The Defendant then rebroadcast the fight in their bar. Such conduct would constitute a violation of 47 U.S.C. § 605(a). The complaint further alleges that the Defendant exhibited the broadcast in violation of 47 U.S.C. § 553, although this claim is pled in the alternative since § 553 covers cable programming and § 605 governs wireless.

A private investigator visited the Defendant's establishment on the night in question and observed roughly 25 people, with all the televisions tuned to the fight. According to the rate card, a bar with the Defendant's capacity would have paid \$900 to broadcast the fight legally.

In previous cases like this, I have awarded statutory damages based on the amount the Plaintiff would have received had the defendant paid for the broadcast, plus treble those damages due to the finding of wilfulness, which is necessitated by the default. Accordingly, statutory damages of \$900 would be warranted. The minimum under the statute is \$1,000, however, and so the award will be increased to that amount. In addition, I will award punitive damages of \$2,700. Finally, the Plaintiff's claim for costs and attorney's fees is reasonable, and so they will be awarded as well.

The motion for default judgment is **GRANTED** in the amount of \$5,422. The clerk will enter judgment accordingly.

SO ORDERED this 18th day of May, 2015.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court